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To the attention of Mr. John E. Kittle, Director
Technology Center 3730 and 3760
Phone: (703) 308-0873
Fax Number: (703) 872-9302

Applicant: Mr. Florent Bergeron
Group Art Unit: 3764
Serial Number: 09/695,272
Filed: 10/25/2000
Title: Hand and Foot Exerciser

Subject: Decision on petition to withdraw holding of abandonment

Best Regards

Applicant: Mr. Florent Bergeron

Date: 08/17/04

Signature: *Florent Bergeron*

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AUG 16 2004

Florent Bergeron
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Canada

Paper No.

copy

In re Application of	:	DECISION ON PETITION
Florent Bergeron	:	TO WITHDRAW
Serial No. : 09/695,272	:	HOLDING OF
Filed : October 25, 2000	:	ABANDONMENT
For : Mechanical Device Used to Make Different Exercises :	:	
On Ground	:	

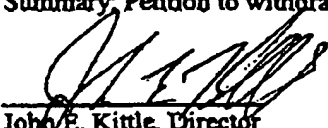
This is a decision on a communication submitted to the Customer Service Center of Technology 3700 on July 22, 2003, that is being treated as a request to review the holding of abandonment mailed June 27, 2002, for failure to respond to the Office action mailed December 20, 2001. There is no fee required for this petition.

The communication is taken as an allegation that the Office action mailed December 20, 2001 was not received by applicant as the submission merely included a copy of a one page document that was signed May 31, 2001 (and presumably mailed to the Office on or about that date), which document notifies the Office of a correspondence address change. Unfortunately, the paper in question, if received by the Office, was never matched with the instant file, as it does not include the required identifying information, placed on the top page in a conspicuous location, such as the application number, or the serial number and filing date assigned to the application. See 37 CFR 1.5(a) and section 502 of the MPEP. It is also noted that all letters directed to the Office should state the name of applicant, the title of the invention, the date of filing the same, and if known, the group art unit or other unit within the Office responsible for considering the letter and the name of the examiner or other person to which it has been assigned. Under the above circumstances, as the proper procedures were not followed by applicant in notifying the Office of a correspondence address, the holding of abandonment would not be withdrawn and a petition to revive the application under 37 CFR 1.137 would be required.

As stated earlier, abandonment occurred as a result of applicant's failure to reply to an Office action mailed December 20, 2001 (copy attached for applicant's records). The Office action, a Notice of Non-Compliant Amendment (37 CFR 1.121) (hereinafter the "notice") indicated that applicant's response filed October 1, 2001 had not been submitted in the format required under 37 CFR 1.121 in effect at that time. Specifically, it stated that neither a clean version nor a marked-up version of the amended claims was submitted. However, a review of the amendment filed September 26, 2001 (not October 1, 2001 as the notice indicates) reveals that there is a clean version and a marked-up version of the claims. Accordingly, the issuance of the notice was in error and is hereby vacated. As the notice has been vacated, the holding of abandonment is hereby withdrawn.

Upon the mailing of this decision, the application will be forwarded to the Legal Instruments Examiner to have the amendment of September 26, 2001 processed and thereafter, to the examiner for consideration of the amendment. It is also noted that the records of the Office have been changed to reflect applicant's new correspondence address.

Summary: Petition to withdraw holding of abandonment granted.



John E. Kittle, Director
Technology Center 3730 and 3760
Phone: (703) 308-0873

Attachment: copy of Office action mailed December 20, 2001.

ak/6/3/04

AUG 17 2004

PTO/SB/64 (11-03)

Approved for use through 07/01/2006. OMB 0551-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named Inventor: Bergeron Florent

Application No.: 09/695,272

Art Unit: 3764

Filed: 10/25/2000

Examiner: John E. Kittle

Title: Hand and Foot Exerciser

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Decision on petition - abandonment (Identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9129 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/83).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

08/17/04

Date



Signature

Telephone

Number: (418) 576-7883

Mr. Florent Bergeron

Typed or printed name

6045 rue de la Griotte, apt. 124

Address

Quebec, (Qc), G2J 1R2 Canada

Address

Enclosures: ☐ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

08/17/04

Date



Signature

Mr. Florent Bergeron

Type or printed name of person signing certificate

CLAIM(S):

The embodiments of the invention in which an exclusive property or privilege is claimed, are defined as follows:

I claim:

4. A mechanical apparatus comprising :

a rigid frame covered with a motionless cushion to allow a user to make different exercises on the ground by engaging to a wrist or ankle from the user a belt joined to a steel wire being fixed at one end of a bar and turning two times around of a main large pulley by giving an effect of pulley's arc; said main large pulley is fixed to a transversal bar being joined to said frame;

said steel wire passes without friction around a first pulley being fixed to said frame and to a second pulley being connected to a part having small holes and being mounted to said frame;

said steel wire passes inside a vertical bar and around of a pulley being mounted to a rotary part turning freely in all directions to allow said steel wire to be pulled down in the desired direction;

said vertical bar is engaged of each side of said first pulley being mounted to said frame and blocked by a metal pin into a small hole being formed with said part for adjusting said vertical bar at the desired position; and a perforated frame in semi-circle permits by means of a metal pin to adjust

Clean Version

ABSTRACT OF THE DISCLOSURE:

A mechanical apparatus having a rigid frame covered with a motionless cushion and which allows a user to make different exercises on the ground by engaging to a wrist or ankle from the user a belt joined to a steel wire passing without friction inside a vertical bar that is engaged on each side of a pulley and blocked at a desired position by a metal pin, and around a pulley being engaged inside a rotary part to allow the steel wire to be pulled down in the desired direction.

CLAIM(S):

The embodiments of the invention in which an exclusive property or privilege is claimed, are defined as follows:

I claim:

4. A mechanical apparatus comprising :

a rigid frame covered with a motionless cushion to allow a user to make different exercises on the ground by engaging to a wrist or ankle from the user a belt joined to a steel wire being fixed at one end of a bar and turning two times around of a main large pulley by giving an effect of pulley's arc; said main large pulley is fixed to a transversal bar being joined to said frame;

said steel wire passes without friction around a first pulley being fixed to said frame and to a second pulley being connected to a part having small holes and being mounted to said frame;

said steel wire passes inside a vertical bar and around of a pulley being mounted to a rotary part turning freely in all directions to allow said steel wire to be pulled down in the desired direction;

said vertical bar is engaged of each side of said first pulley being mounted to said frame and blocked by a metal pin into a small hole being formed with said part for adjusting said vertical bar at the desired position; and a perforated frame in semi-circle permits by means of a metal pin to adjust

the tension of a spring fixed to said bar joined to a side of said frame so as to effect a parallel movement to the floor and to a stem connected to a part being engaged to said perforated frame fixed to said frame.

CLAIM(S):

The embodiments of the invention in which an exclusive property or privilege is claimed, are defined as follows:

I claim:

1) Claims 1-3 have been cancelled:

[1: A mechanical apparatus, comprising:

a rigid frame covered with a motionless cushion on which the user can be installed comfortably when he makes different exercises on the ground; a vertical bar curved at its superior end made up of an adjustable rotary part at different positions is provided with a pulley allowing to a steel wire to pass without friction inside of said pulley anchored into said rotary part turning freely in all directions, which allows to said steel wire to be pulled down in several directions; the bottom end of said vertical bar comprises a part provided with small holes fixed at said frame from the apparatus, allow to change the adjustment of said vertical bar at the desired position in blocking said vertical with a metal pin, wherein said metal pin is inserted into a small hole of said part provided with small holes; and a belt allows to join the wrist or the ankle from the user to said steel wire.]

[2: The mechanical apparatus of the claim 1, further comprising a movable part fixed at the perforated frame in semi-circle from the apparatus by a metal pin, and joined to a stem provided with legs welded at a spring fixed at the bar anchored to said frame from the apparatus joining said steel wire

passing inside of the main large pulley fixed at the transversal bar joined to said frame from the apparatus.]

[3: The mechanical apparatus of the claim 1, wherein said steel wire fixed at said bar anchored to said frame from the apparatus makes two turns around of said main large pulley fixed at the transversal bar joined to said frame from the apparatus in giving an effect of pulley's arc, and wherein said steel wire passes inside of two small pulleys and of said vertical bar.]

2) New claim 4 has been added as follows:

--4. (New) A mechanical apparatus comprising :

a rigid frame covered with a motionless cushion to allow a user to make different exercises on the ground by engaging to a wrist or ankle from the user a belt joined to a steel wire being fixed at one end of a bar and turning two times around of a main large pulley by giving an effect of pulley's arc; said main large pulley is fixed at a transversal bar being joined to said frame;

said steel wire passes without friction around a first pulley being fixed to said frame and to a second pulley being connected to a part having small holes and being mounted to said frame;

said steel wire passes inside a vertical bar and around of a pulley being mounted to a rotary part turning freely in all directions to allow said steel wire to be pulled down in the desired direction;

said vertical bar is engaged of each side of said first pulley being mounted to said frame and blocked by a metal pin into a small hole being formed with said part for adjusting said vertical bar at the desired position; and a perforated frame in semi-circle permits by means of a metal pin to adjust the tension of a spring fixed to a bar joined to a side of said frame so as to effect a parallel movement to the floor and to a stem connected to a part being engaged to said perforated frame fixed to said frame.--

is relatively simple and economical to manufacture.

Summary of the invention:

In accordance with the present invention, the mechanical apparatus having a rigid frame covered with a motionless cushion and which allows the user to make different exercises on the ground by engaging to a wrist or ankle from the user a belt joined to a steel wire passing without friction inside a vertical bar that is engaged on each side of a pulley and blocked at a desired position by a metal pin, and around a pulley being engaged inside a rotary part to allow the steel wire to be pulled down in the desired direction.

Brief description of the several views of the drawing(s):

The foregoing and other objects, advantages and characterizing features of the present invention will become clearly apparent from the ensuing detailed description of illustrative embodiments thereof, taken together with the accompanying drawings wherein like reference numerals denote like parts in the different figures:

Figure 1 is a perspective view of the mechanical apparatus allowing to make different exercises on the ground.

Figure 2 is a profile view of the vertical bar curved having at its superior end an adjustable rotary part provided with a small pulley by which a steel wire is pulled down without friction in several directions.

Figure 3 is a profile view showing the vertical bar fixed to a desired position.

Figure 4 is a top view of the mechanical system from the apparatus.

Figure 5 is a top view of the mechanical system from the apparatus showing the spring of the figure 4 in a different position.

Figure 6 is a profile view of the mechanical system allowing to adjust the tension of the spring at a desired position.

Figure 7 is a profile view of the main large pulley fixed to a transversal bar connected to the frame from the mechanical apparatus.

Figure 8 is a profile view of the main large pulley allowing to the steel wire to turn two times around of the pulley by giving an effect of pulley's arc.

Figures 9a, b, c and d, are the side elevational views of the mechanical apparatus, and showing the user and the vertical bar in different positions.

Detailed description of the invention:

Referring more specifically to figs. 1 through 8, the present invention is a mechanical apparatus having a rigid frame (10) covered with a motionless cushion (16) and which allows a user to make different exercises on the ground by engaging to a wrist or ankle from the user a belt (17) joined to a steel wire (5) being fixed at one end of a bar (1) and turning two times around of a main large pulley (4) by giving an effect of pulley's arc.

Further, the main large pulley (4) is fixed to a transversal bar (18) being joined to a frame (10) of the mechanical apparatus.

Moreover, the steel wire (5) passes without friction around a first pulley (2) being fixed to the frame (10) and to a second pulley (2) being

connected to a part (19) having small holes and being mounted to the frame (10).

Still, the steel wire (5) passes inside a vertical bar (11) and around of a pulley (13) being mounted to a rotary part (12) turning freely in all directions to allow the steel wire (5) to be pulled down in the desired direction.

The vertical bar (11) is engaged of each side of the first pulley (2) being mounted to the frame (10) and blocked by a metal pin (14) into a small hole being formed with the part (19) for adjusting the vertical bar (11) at the desired position.

Referring more specifically to fig. 6, it is shown a perforated frame (3) in semi-circle that permits by means of a metal pin (9) to adjust the tension of a spring (6) fixed to the bar (1) joined to a side of the frame (10) so as to effect a parallel movement to the floor and to a stem (7) connected to a part (8) being engaged to the perforated frame (3) fixed to the frame (10).

As illustrated to figs. 9a, 9b, 9c and 9d, it is shown the user and the vertical bar (11) in different positions.